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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,753	08/05/2003	Gary B. Gordon	10030181-1	9648

57299 7590 11/22/2006

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EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/635,753

Applicant(s)

GORDON, GARY B.

Examiner

Sanh D. Phu

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 2,3,10,11,17 and 18.
Claim(s) rejected: 1,4-9 and 12-16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Attachment.

ATTACHMENT

This Attachment is responsive to the Applicant's Response filed on 10/31/06.

The applicant mainly argues that in Junod et al, the RF circuit (128) is an antenna circuit which does not use a human hand in conjunction with two electrodes configured as a capacitive antenna; therefore, the hand detection circuit (126) does not detect a change in resonant frequency in the RF circuit (128).

The examiner respectfully disagrees. In Junod et al, the RF circuit (128) is not disclosed as an antenna circuit or having antenna function. Junod et al discloses the RF circuit (128) as a transceiver for transmitting (driving) and receiving signals using two capacitive electrodes (122, 124) as a capacitive antenna (see figure 7, and [044, 0047, 0048]). Namely, the two electrodes (122, 124) play antenna function, while the RF circuit (128) does not. Junod et al further teaches that during the antenna mode, a switch (130) switches a capacitors (132) in parallel with the electrodes in order to reduce the sensitivity of antenna to the capacitance of user's hand (120) (see [0044]). Namely, during

the antenna mode, the overall capacitance of the antenna circuit is changed and determined by a combined capacitance consisting the two capacitive electrodes, the capacitance of user's hand and the capacitors (132). It is important to note here that the effect of the capacitance of the user's hand on the overall capacitance is only reduced and not completely canceled out by the addition of the capacitors (132) to the overall capacitance (see [0044, 0046]). Therefore, the capacitance of the user's hand changes the overall capacitance of the antenna circuit because the capacitance of the user's hand is not completely canceled out during the antenna mode. The change of the overall capacitance of the antenna circuit, in turn, inherently results in a change in the resonant frequency of the antenna circuit, (for clarifying the inherency, see Viereck (5,170, 496) (previously cited), col. 1, lines 28-33, stating a change of reactance of an antenna circuit necessarily resulting in a change in resonant frequency; and see the instant application, page 2, the applicant also having a similar admission). Junod et al further teaches that the presence of the capacitance of the user's hand in the antenna can be detected by the detect circuit (126) during the antenna circuit being in a sleep mode (see [0045]); and

Art Unit: 2618

if it is detected, the antenna mode would be turned on while the detect circuit (126) then would be turn off (see [0051, 0052]).

Therefore, based on the above explanation, it can be said here that Junod et al teaches an antenna circuit comprising the two capacitive electrodes (122, 124) which are in conjunction with a human to be configured as a capacitive antenna; and the hand detection circuit (126) detecting a change (to be) in resonant frequency in the capacitive antenna.

Based on the above rationale, it is believed that the limitations of claims are still met and therefore, the rejections are still maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D. Phu
Examiner
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SP



Matthew D. Anderson
Supervisory Patent Examiner